UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

ROBERT L. CHISHOLM, : CASE NO. 1:15-CV-00174

Plaintiff,

vs. : OPINION & ORDER

[Resolving Doc. <u>26</u>]

CUYAHOGA COUNTY,

:

Defendant.

idant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Robert Chisholm sues Defendant Cuyahoga County for interfering with Plaintiff Chisholm's Family and Medical Leave Act ("FMLA") rights and for retaliating against Chisholm for exercising his FMLA rights. As part of discovery, Defendant Cuyahoga County made a Rule 30(b)(6) witness available for deposition. Plaintiff now moves to depose a second 30(b)(6) witness regarding the retirement benefits available to Cuyahoga County employees. Defendant opposes the motion, arguing that the previous 30(b)(6) witness answered all questions which she was asked; that Plaintiff failed to pursue this line of inquiry at the appropriate time; and that deposition of a representative of non-party Ohio Public Employees Retirement System ("OPERS") would be more appropriate. In the supposition of a representative of non-party Ohio Public Employees Retirement System ("OPERS") would be more appropriate.

The Court agrees with Defendant Cuyahoga County. It is not the Defendant's responsibility to bear the burden of Plaintiff's failure to pursue the line of inquiry, particularly when a more appropriate source of information is available. The Court **DENIES** Plaintiff's

 $[\]frac{1}{2}$ Doc. 1.

 $[\]frac{2}{2}$ Doc. $\frac{26}{2}$.

 $[\]frac{3}{2}$ Doc. $\frac{27}{2}$.

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motion for Defendant to produce an additional 30(b)(6) witness.

IT IS SO ORDERED

Dated: October 7, 2015

s/ James S. Gwin

Dated: October 7, 2015

S/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE